

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Bhadradri Kothagudem District – Revision Petition filed by Sri Ajmeera Raghavulu S/o Bheemla, R/o. Thungaram Village, Chandrugonda Mandal, Bhadradri Kothagudem District (erstwhile Khammam District) against the orders of the Additional Agent to Government, Bhadrachalam in CMA No.24/05/CHG, dated 28.05.2005, in respect of land admeasuring acs.0.27 gts in Sy.No.39/3/E situated at Thungaram Village, Chandrugonda Mandal, Bhadradri Kothagudem District (erstwhile Khammam District) – DISMISSED – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.63

Dated:09.10.2023.

Read the following:-

1. Orders of the Agency Divisional Officer, Kothagudem in LTR case No.2/04/CHG, dated 30.11.2004.
2. Orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.24/05/CHG, dated 28.05.2005.
3. Revision Petition filed by Sri Ajmeera Raghavulu S/o Bheemla, R/o. Thungaram Village, Chandrugonda Mandal, Khammam District, dated 08.11.2005
4. GO.Ms.No.125, Social Welfare (LTR-2) Department, dated 15.11.2007.
5. Implead petition along with Affidavit filed by Sri Guguloth Roopla S/o Mangathya, Lambada, R/o Tungaram village, Chandrugonda Mandal, Khammam District, dated 28.09.2007.
6. Compromise Petition jointly filed by Revision Petitioner Sri Ajmeera Raghavulu and Respondent No.5 Sri Guguloth Roopla Mangathya S/o dated 28.09.2007.
7. Orders of the Hon'ble High Court Judicature, Andhra Pradesh at Hyderabad in WP No.25223/2007, dated 04.12.2007.
8. Orders of the Hon'ble High Court Judicature, Andhra Pradesh at Hyderabad in WP No.26115/2007, dated 07.07.2008.
9. Vakalat filed by Counsel on behalf of Respondent Banoth Ganesh S/o.Lakhsathi, dated 27.09.2023.
10. Govt.Letter.No.8185/LTR-2/2007, dated 02.09.2009, 06.03.2010, 11.06.2010, 16.04.2012, 19.10.2012, 15.06.2017, 29.06.2017, 14.08.2018, 26.04.2018, 03.08.2018, 27.01.2019, 14.02.2020 and 27.10.2020.
11. Written argument filed by Counsel for Respondent i.e Sri Banoth Ganesh S/o.Lakhsathi, dated 19.03.2010 & 09.11.2020.

* * *

ORDER:

In the reference 3rd above, Sri AjmeeraRaghavulu S/o Bheemla, R/o. Thungaram village, Chandrugonda Mandal, Bhadradri Kothagudem District (erstwhile Khammam District) has filed Revision Petition along with Stay Petition through his Counsel before the Government under Section 6 of the AP Scheduled Areas Land Transfer Regulation 1/1959 against the orders of the Additional Agent to Government, Bhadrachalam in CMA No.24/05/CHG, dated 28.05.2005, in respect of land admeasuring acs.0.27 gts in Sy.No.39/3/E situated at Thungaram village, Chandrugonda Mandal, Bhadradri Kothagudem District (erstwhile Khammam District)

2. In the reference 4th read above, the Government of Andhra Pradesh had issued orders dismissing the above said Revision Petition filed by Sri Ajmeera Raghavulu S/o Bheemla– gist of which is as under:

- i) On a petition lodged by Sri Guguloth Veeru S/o Roopla (tribal), the Agency Divisional Officer, Kothagudem in the reference 1st read above had initiated LTR case No.2/04/CHG and disposed on 30.11.2004 against Sri Ajmeera Raghavulu S/o Bheemla for the following reasons:

(Contd....2)

- On verification of Sada Sale Deed for the wet land of acs.0./27 gts for consideration of Rs.35,000/- executed by one Smt.Kannemalla Shantamma and Venkateswarlu (non-tribals) in favour of tribal Ajmeera Raghavulu on 13.1.2004 i.e. after initiating the LTR case by the Special Deputy Collector (TW) Bhadrachalam on 1.1.2004.
 - On perusal of village records 1970-71, the land was an undivided bit of ac.1.15 gts in which Sri Venkya S/o Manghya was the pattedar and Sri Venkatya, Bojya and Roopla were occupants.
 - The land was sub-divided in the year 1994-95. Sri Guguloth Roopla S/o Manghya became pattedar for ac.0.27 gts in R.S.No.39/3/E and Kannemalla Shantamma was recorded as occupant. Hence, finding contravention of LTR provisions, the Agency Divisional Officer, Kothagudem had ordered ejectment against the respondent and restore land to the pattedar or his legal heirs.
- ii) Aggrieved by the orders of Agency Divisional Officer, Kothagudem in LTR case No.2/04/CHG, dated 30.11.2004, Sri Ajmeera Raghavulu S/o Bheemla (tribal) had filed an appeal before the Addl. Agent to Government and Project Officer, ITDA, Bhadrachalam and the said authority after causing due enquiry had dismissed the Appeal filed in CMA No.24/05/CHG on 28.05.2005 vide reference 2nd read above, upholding orders of the Agency Divisional Officer, Kothagudem in LTR case No.2/04/CHG, dated 30.11.2004.
- iii) Aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in CMA No.24/05/CHG, dated 28.05.2005, in the reference 3rd above, Sri Ajmeera Raghavulu S/o Bheemla had filed the Revision Petition dated 3.11.2005 before the Government on 5.11.2005 which was numbered as 9113/LTR.2/2005 wherein the Petitioner had contended as follows:
- That the purchase of agricultural wet land admeasuring acs.0.27 gts in Sy.No.39/3/E in Thungaram (v) of Chandrugonda Mandal (erstwhile Khammam District) from one Kannemalla Santamma (non-tribal) dated 13.1.2004 and the possession and enjoyment of the same are not contrary to the Land Transfer Regulation.
 - The initiation of LTR proceedings in case No.2/04/CHG alleging transfer cannot sustain since it was made in favour of a Scheduled Tribe and is valid.
 - Under Section 3 of APSALTR 1959, a Scheduled Tribe can purchase immovable property in schedule area, since the petitioner being a scheduled tribe; the authorities have no jurisdiction to eject him from the land which is under his possession, occupation and enjoyment.
- iv) Government after careful examination of the entire case observed in the proceedings initiated under LTR by the Agency Divisional Officer, Kothagudem in case No.2/04/CHG on the complaint dated 1.3.2004 of Sri GugulothVeeru S/o Roopla (tribal) that Sri Guguloth Roopla S/o Mangya was the pattedar for the land of acs.0.27 gts in Sy.No.39/3/E in Thungaram (v) of Chandrugonda Mandal, Khammam District wherein Smt.Kannemalla Shantamma (non-tribal) was occupant as per village record for the year 1970-71 to 1994-95 pahani. On knowing about filing of LTR case, Smt.Kannemalla Shantamma (non-tribal) colluded with Ajmeera Raghavulu(i.e. Revision Petitioner) and executed a sada agreement dated 13.1.2004 (i.e. after 12 days of filing LTR case by the Agency Divisional Officer, Kothagudem) selling away the above schedule land to Sri Ajmeera Raghavulu (tribal) (third party) with a malafide intention to defeat the LTR proceedings.

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3. While the matter stood thus, in the reference 5th & 6th read above, Sri Guguloth Roopla S/o Mangathya, Lambada, R/o Tungaram village, Chandrugonda Mandal, Khammam District had filed the following on 30.10.2007 before Government:

I. Affidavit duly Notarized by Sri M.A.Razack, Advocate & Notary, Manuguru, Kothagudem dated 28.9.2007.

- i) Sri Ajmeera Raghavulu had filed Revision Petition before the Government against the order dated 28.05.2005 made in CMA No.24/05/Chg on the file of the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam.
- ii) The Revision Petitioner had also filed WP No.22009 of 2005 before the Hon'ble High Court of AP and against the above order he had also filed Writ Appeal No.2225 of 2005 against the order made in WP No.22009 of 2005. The Hon'ble Division Bench was pleased to remit back to the learned single Judge and later on the Learned Single Judge had disposed the Writ Petition.
- (WP No.22009 of 2005 was filed by Sri Ajmeera Raghavulu against 1) Government (Secretary, Tribal Welfare); 2) Additional Agent to Government, Bhadrachalam, Khammam District); 3) Agency Divisional Officer, Kothagudem; 4) Guguloth Veeru; and 5) Mandal Revenue Officer, Chandrugonda, Khammam District – praying not to interfere with the peaceful possession and enjoyment of the agricultural wet land admeasuring acres 0.27 guntas in Sy.No.39 (39/3/E) situated at Tungaram village, Chandrugonda Mandal, Khammam District.

The above WP 22009 of 2005 was disposed on 7.10.2005 making the order as "The writ petition is disposed of, leaving it open to the petitioner to avail the remedy of revision. The order passed by the respondents 3 and 2 in LTR case No.2/04/CHG and CMA No.24/05/CHG respectively referred to above, shall remain suspended, till the disposal of revision. It is, however, made clear that this order would be in force, if only the petitioner presents the revision within four weeks from today. There shall be no order as to costs.

- (Aggrieved by the above orders of the Hon'ble Single Judge in WP No.22009 of 2005, dated 7.10.2005, Sri Guguloth Roopla S/o Mangathya had filed WA No.2225 of 2005 before the Division Bench of the Hon'ble High Court and it was allowed on 17.11.2005 ordering as

"Therefore, we allow the writ appeal, set aside the order of the learned Single Judge and remand the case to the learned Single Judge for fresh disposal. The learned Single Judge can also enquire whether the writ petition was filed after the death of the fourth respondent. In the meantime, learned counsel for the appellant submits that by virtue of the orders passed in favour of the appellant, possession had been given to him on 05-10-2005 and because of the order of the learned Single Judge dated 07-12-2005, his possession was altered. Therefore, we direct that status quo as existing on 05-10-2005 shall be restored immediately. No order as to costs".

- The Hon'ble Single Judge had disposed the WP 22009 of 2005 on 29.11.2005 making the order "So far as the possession over the property is concerned, it has come on record that the father of the fourth respondent was already

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delivered possession through panchanama dated 05.10.2005. The same was taken note of by the Division Bench in its order in W.A.No.2225 of 2005 and it was directed that the status quo obtaining as on that date shall be maintained. The same arrangement shall remain in force till the disposal of revision filed by the writ petitioner before the first respondent).

- iii) His Son Gugulothu Veeru (who was Respondent No.1 in CMA No.24/05/Chg was demised). He is the only legal representative of his son Guguloth Veeru and as such he prayed to implead him as Respondent No.5 in the Revision Petition pending before the Government.
- iv) He has compromised the subject dispute of land with the revision petitioner and position of the land is with him only and he has executed an agreement on dated 24.11.2006 in favour of the revision petitioner.
- v) He declared, confirmed and asserted that he has not transferred or covenanted or entered into any agreements or sold the disputed property in favour of any other person and the revision petitioner is only entitled to retain and enjoy the same.
- vi) In the circumstances, he prayed the Government to implead him as party Respondent No.5 in the Revision Petition filed by Ajmeera Raghavulu S/o Bheemla, R/o Thungaram village, Chandrugonda Mandal, Khammam District (under Notice Lr.No.9113/LTR-2/2005-3).

II. Petition to implead – prayed to implead him as Party Respondent No.5 in the Revision Petition filed by Ajmeera Raghavulu S/o Bheemla, Scheduled Tribe, Thungaram village, Chandrugonda Mandal, Khammam District (under Notice Lr.No.9113/LTR-2/2005-3).

III. Compromise Petition jointly filed by Revision Petitioner Sri Ajmeera Raghavulu and Respondent No.5 Sri Guguloth Roopla S/o Mangathya, Lambada (proposed respondent as L.R. of Guguloth Veeru) – gist of which is as under:

- i) Respondent No.5 who is the L.R. of respondent No.3 has compromised the subject dispute and also executed an agreement on dated 24.11.2006 in favour of the revision petitioner confirming the possession and also received an amount of Rs.8,000/-. The above agreement has been executed in the presence of witnesses.
- ii) The respondent No.5 hereby declare, confirm and assert that he has not transferred or covenanted or entered into any agreements or sold the disputed property in favour of any other person and the revision petitioner is only entitled to retain and enjoy the same.
- iii) The Revision Petitioner and Respondent No.5 since have compromised the subject matter of the dispute in LTR case No.2/04/CHG on the file of the Agency Divisional Officer, Kothagudem, Khammam District dated 30.11.2004, prayed the Government to set aside the orders dated 30.11.2004 made in LTR case No.2/04/CHG on the file of the Agency Divisional Officer, Kothagudem and orders dated 28-05-2005 made in CMA No.24/05/CHG on the file of Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Khammam District.

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4. In the reference 7th read above, Sri Ajmeera Raghavulu S/o Bheemla had also filed another WP No.25223 of 2007 to direct the respondent (i.e. Government of Andhra Pradesh represented by its Secretary, Tribal Welfare and Social (LTR-2) Department) to expeditiously hear and dispose of the Revision Petition. The WP was disposed on 4.12.2007 making the following order:

"The Writ Petition is filed seeking Writ of Mandamus to declare the action of the respondent in not considering and disposing of the revision petition filed by the petitioner on 3.11.2005 as illegal and arbitrary.

Today, when the matter is taken up, the learned

Government Pleader appearing for the respondent submitted that the revision petition filed by the petitioner, against the order passed by the Agency Divisional Officer, Kothagudem in LTR case No.2/04/CGH, dated 30-11-2004 was disposed of by the first respondent by order dated 15-11-2007 passed in G.O.Ms.No.125.

In that view of the matter, keeping open to the petitioner to challenge the validity of the order dated 15-11-2007, the Writ Petition is closed. No order as to costs."

5. In the reference 8th read above, Sri Ajmeera Raghavulu, Revision Petitioner herein had filed another WP No.26115 of 2007 (against 4 official respondents and 2 unofficial respondents viz., Guguloth Veeru since died his father Guguloth Roopla and Banoth Ganesh S/o Lakhpati rep by his natural father Banoth Lakhpati R/o Tekula Banjara village, Thungaram post, Chandrugonda Mandal) praying to declare the orders passed by the 3rd respondent (Agency Divisional Officer, Kothagudem) in LTR case No.2/04/CHG, dated 30-11-2004 and as confirmed by the 2nd respondent (Additional Agent to Government, Bhadrachalam) in CMA No.24/05/CHG, dated 28-05-2005 and as confirmed by 1st respondent (Government) in GO.Ms.No.125, Social Welfare (LTR-2) Department on dated 15.11.2007 in respect of agricultural wet land admeasuring acres 0.27 gts in Survey No.39 (39/3/E) situated at Tungaram Village, Chandrugonda Mandal, Khammam District, as illegal, malafide, arbitrary, violative of principles of natural justice, against to the provisions of A.P.Scheduled Areas Land Transfer Regularisation, 1959 and much against to the legal and fundamental rights guaranteed under the Constitution of India and set aside the same and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the agricultural wet land including standing paddy crop admeasuring acres 0.27 guntas in Survey No.39 (39/3/E) situated at Tungaram village, Chandrugonda Mandal, Khammam District. The said WP 26115 of 2017 was disposed on 7.7.2008 making the following order (operative part):

"6. Learned counsel appearing for the petitioner submits that the revisional authority failed to consider the implead petition filed by Gugulothu Roopla, a legal representative of Guguloth Veeru, and thereby the order passed by the revenue authority suffers from serious lacunae and the same is liable to be set aside. A further submission has been made that Guguloth Veeru died pending revision and the revision came to be disposed of without considering the application filed by the legal representative of Guguloth Veeru and that virtually revision came to be passed in favour of a dead person and therefore the revisional order is liable to be set aside the matter needs to be remanded back to the revisional authority for consideration afresh. He took me to the petitions moved by Guguloth Roopla before the revisional authority seeking his impleadment as one of the respondents in the revision petition. He also took me to the compromise petition stated to have been moved before the revisional authority.

7. Both the applications are not reflected in the order passed by the revisional authority. Therefore, a fact remains that the revision went in favour of a dead person. Since the LR application filed by Guguloth Roopla was not considered by the revisional authority, I deem it appropriate to set aside the order passed by the revisional authority and remand the matter

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back to the revisional authority for consideration afresh after considering the implead petition filed by Guguloth Roopla claiming to be the LR of Guguloth Veeru.

8. Accordingly, this writ petition is allowed setting aside the order under revision and remanding the matter back to the revisional authority for consideration afresh after giving due opportunity to Guguloth Roopla who stated to have moved the application to bring on record as LR of Guguloth Veeru. No costs."

6. Consequently, the Revision Petition filed by Sri Ajmeera Raghavulu has been restored and hearings have been taken up.

7. in the reference 9th read above, Smt.T.V.Sridevi, Advocate has filed Vakalat through on behalf of Respondent Banoth Ganesh S/o Lakhipathi represented by his father and natural guardian B.Lakhipati R/o Tekula Banjara village, Tungaram Post, Chandrugonda Mandal, Khammam District.

8. In the reference 10th read above, notices were issued to all the parties to attend hearing on 19.09.2009, 19.03.2010, 04.06.2010, 30.04.2012, 29.10.2012, 15.07.2017, 22.07.2017, 24.03.2018, 05.05.2018, 18.08.2018, 07.12.2019, 07.03.2020 and 07.11.2020.

9. During hearing on 19.3.2010, the Counsel for Respondent Banoth Ganesh has submitted the following written arguments:

- i) Respondent has purchased land to an extent of 0.27 cents situated in Sy.No.39/3/E of Tungaram village, Chandrugonda Mandal, Khammam Dist from Sri Guguloth Roopla for consideration of Rs.27,000/- under registered sale deed on 17.10.2005.
- ii) Prior to purchase of above schedule land, the son of Guguloth Roopla initiated LTR proceedings for ejectment of Kannemala Shantamma (non-tribal) in LTR case No.2/04/CHG before Court of Agency Divisional Officer, Kothagudem.
- iii) Expecting her ejectment from said land, Kannemala Shantamma executed a sada sale deed dated 13.1.2004 in favour of revision petitioner Ajmeera Raghavulu after initiation of LTR proceedings by late Guguloth Veeru, only to defeat provisions of Regulation Act.
- iv) After considering the evidence on both sides, the learned Agency Divisional Officer, Kothagudem ordered ejectment of Kannemala Shantamma on 30.11.2004.
- v) Kannemala Shantamma did not question her ejectment from schedule land in CMA. Instead the revision petitioner who has no locus standi preferred CMA No.24/05/CHG in the court of Additional Agent to Government and Project Officer, ITDA Bhadrachalam on the ground that LTR case is not maintainable as the dispute is between tribal and tribal. But, the LTR proceedings were initiated against Kannemala Shantamma (non-tribal) by late Veeru S/o Guguloth Roopla (Tribal). Hence, LTR proceedings are maintainable.
- vi) Kannemala Shantamma was never in possession of schedule land before 1970 and she was shown only as occupant in 1994-95. She could not prove her title; hence she cannot pass the same to revision petitioner Ajmeera Raghavulu.
- vii) After considering the above facts and records, CMA was rightly dismissed by the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam through its order dated 28.5.2005.
- viii) Pending the above proceedings, Guguloth Veeru S/o Roopla entered into an agreement of sale on 26.2.2005 with this respondent. Guguloth Veeru died on 7.5.2005.

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- ix) Guguloth Roopla sold the schedule land to this respondent on 17.10.2005 under registered sale deed and the same was validated and form L was issued. Guguloth Roopla received consideration of Rs.27,000/-.
- x) The revision petitioner preferred W.P.22009/05 in the Hon'ble High Court was pleased to suspend order in LTR No.2/-04/CHG dated 30.11.2004 and CMA No.24/05CHG dated 28.05.05 and directed to file revision before Government against the said orders.
- xi) Aggrieved by the said order, this respondent's vendor Guguloth Roopla preferred W.A.2225/05 in the Hon'ble High Court and the W.A.2225/05 was allowed with a direction to restore the possession of land as on 5-10-2005 and remanded the matter to the learned single judge.
- xii) The learned single Judge after hearing both sides was pleased to dispose off W.P.22009/05 with a direction to this revision petitioner to file revision before Government and granted stay in favour of Roopla till disposal of Revision before Government and accordingly revision was preferred by him before the Government.
- xiii) This respondent filed implead petition on 29-8-06 to implead him as respondent in Revision Case as Guguloth Roopla sold the said land to him. The same was considered.
- xiv) On 24.7.07, after considering all the material on record the revision petition was dismissed by the Government vide G.O.Ms.No.125, dated 15.11.2007.
- xv) Against the same, the revision petitioner filed W.P.26115/07 on the ground that he did not receive intimation letter for the date of hearing and the Government did not consider the implead petition and compromise petition filed by Guguloth Roopla. The Hon'ble Judge was pleased to remand the matter to Government to consider the implead petition and compromise petition filed by GugulothRoopla and to pass orders.
- xvi) The compromise entered by Guguloth Roopla and this revision petitioner is a fraud and collusion and they connived to defeat the bonafide purchase of land by this respondent through registered sale deed.
- xvii) The plea of the Revision Petitioner and Guguloth Roopla that the registered sale deed is obtained by this respondent by fraud is untenable because Guguloth Roopla he himself appeared before Registrar on 17.10.2005 for registration and he affixed his thumb impression on the sale deed.
- xviii) It is mandatory in agency area to make application form - K requesting to issue form-L for registration and this respondent has observed all the procedure. After enquiry, the RDO has given no objection to register the sale deed in form L dated 31.5.2007 and the Registrar also endorsed the same on registered sale deed dated 17.10.2005 vide No.1189 dated 16.6.07.
- xix) In the above stated circumstances, the revision filed by the revision petitioner has to be dismissed with costs as revision petition has no locus standi to file CMA and this revision and the sada sale deed executed in favour of this revision petitioner by Kannemala Shantamma cannot be given weight and the compromise between Guguloth Roopla and revision petitioner is a collusion and it is only to defeat the claim of this respondent who is a bonafide purchaser of the schedule land from Guguloth Roopla.

10. Along with the written statements, the Counsel for Respondent Banoth Ganesh has submitted the following documents:

- i) Copy of letter Rc.No.A/19/2005, dated 24.5.2005 of Mandal Revenue Officer, Chandrugonda addressed to the Project Officer, ITDA, Bhadrachalam – wherein it was reported that as per the ejectment orders issued by the Agency Divisional Officer/Revenue Divisional Officer, Kothagudem in LTR case No.2/04/CGH, dated 30.11.2004, the land in Sy.No.39/3/E measuring acs.0.27 gts was handed over to Guguloth Veeru S/o Roopla R/o Tungaram (v) under cover of panchanama on 5.1.2005 and further the said land was sold to to one Banoth Ganesh S/o Lakpati R/o Tekulabanjar H/o Tungaram (v) on 26.2.2005 which is under his occupation.
- ii) Copy of registered sale deed bearing document No.P/14/05, dated 17.10.2005 – executed by Guguloth Roopla S/o late Guguloth Mangitya, age: 65 years, occ: Agriculture R/o Jarpula Thanda, Tungaram Panchayat, Chandrugonda Mandal, Khammam – in favour of Banoth Ganesh S/o Banoth Lakhpati, age: 15 years, Occ: student R/o Tekulabanjar H/o Tungaram Gram Panchayat, Chandrugonda Mandal, Khammam District (Guardian is father Banoth Lakhpati since purchaser is minor) – sale consideration is Rs.27,000/- - land admeasuring acs.0.27 guntas situated in Sy.No.39/3/E in Tungaram village, Chandrugonda Mandal handed over to the vendor in pursuance of panchanama Rc.No.A/19/2005, dated 5.10.2005 by Mandal Revenue Inspector, Chandrugonda and stands patta in his name.

Boundaries:

East : Mangaladevi Cheruvukatta and
Land of Alla Narayana
West : Land of AjmeeraRaghavulu
North : Field canal
South : AluguVagu

- iii) Copy of Form-L (Rule 18 (2) (b)) bearing D.Dis.No.F1-1468-2007, dated 31.05.2007 issued by the Agent to Government, Khammam authorizing the Sub-Registrar, Kothagudem to register the document No.P.14/2005 for transfer of acs.0.27 gts in Sy.No.39/3/E situated at Tungaram village, Chandrugonda Mandal, Khammam District in favour of Sri Banoth Ganesh S/o Lakpathi as the Form-K dated 17.10.2005 filed by him before the Registering Officer, Kothagudem is true.

11. Vide Letter No.8185/LTR-2/2007, dated 16.04.2012 has been issued to the parties and their Counsels to attend for hearing before the Government on 30.04.2012 at 5.45 pm. In reply, Sri Satyarajababu, Counsel for Revision Petitioner has sent email on 30.4.2012 stating that "the Hon'ble High Court was pleased to direct the Government to hear and dispose-off the revision after issuing notice to Guguloth Rupla, who is the legal heir of Guguloth Veeru. In this connection, I am to inform you that Guguloth Rupla had already been demised and as such notice is to be issued to his legal heir Guguloth Rangamma W/o late Guguloth Rupla aged about 60 years, agriculture, R/o JarupalaThanda, Chandrgonda Mandal, Khammam District for hearing of the revision". In the above circumstances, since notice is to be issued to Smt.Guguloth Rangamma, the hearing may be adjourned by four weeks.

12. Hearings have been taken up and during hearing on 7.3.2020, the Counsels for Petitioner and Respondent called present. Counsel for Revision Petitioner vide his letter dated 7.3.2020 reported that the legal heir of Guguloth Roopla viz., Guguloth Rangamma was also demised and that the only legal heir available is Guguloth Sharada wife of Guguloth Veeeru – hence, requested to issue notice to Sri Guguloth Sharada W/o Guguloth Veeru. Accordingly, notice has been issued to Smt.Guguloth Sarada, legal representative of Guguloth Roopla & Guguloth Veeru through the Tahsildar, Chandrugonda vide Notice dated 27.10.2020 to attend for hearing on 7.11.2020 at 2 p.m. wherein the following parties/counsels have been present/absent:

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| i) | Banoth Ganesh | .. | Respondent |
| ii) | V.Mutyaiah | .. | Revenue Inspector,
Chandrugonda |
| iii) | T.V.Sridevi | .. | Counsel for Respondent |
| iv) | P.Satyarajababu | .. | Counsel for Revision
Petitioner absent. |
| iv) | Smt.G.Sarada | .. | Legal heir of proposed
implead respondent called
absent. |

13. The Tahsildar, Chandrugonda vide his letter Rc.No.B/19/2005, dated 4.11.2020 has reported that the notice has been served to the 2nd petitioner i.e. Sri Ajmeera Raghavulu S/o Bheemla and noticed served to the respondent i.e. Banoth Ganesh S/o Lakpati and served copies submitted. With regard to Smt.Guguloth Sarada W/o Veeru, she has refused to take the notice and also objected to paste the notice on her house at Jarpula Thanda H/o Tungaram village of Chandrugonda Mandal and the said notice has been returned.

14. Case finally called on 7.11.2020. Counsels for both Revision Petitioner and Respondent present. Respondent Sri Banoth Ganesh present. Sri V.Mutyaiah, Revenue Inspector, Chandrugonda present with the record. Counsel for Respondent Banoth Ganesh prayed for time for submission of written arguments. Time granted. Counsel filed written arguments on 9.11.2020. The case is pending since 2005 for no valid reasons.

15. Findings:

Initially LTR proceedings were initiated by the Agency Divisional Officer, Kothagudem vide case No.2/04/CHG in respect of land admeasuring acs.0.27 guntas in Sy.No.39/3/E situated in Tungaram agency village of Chandrugonda Mandal in the erstwhile Khammam District now in Bhadrachalam District between the non-tribal Kannemalla Shantamma and the tribal Guguloth Veeru. Anticipating ejectment, the non-tribal Kannemalla Shantamma brought in another tribal viz., Ajmeera Raghavulu, revision petitioner herein to defeat the LTR proceedings against her saying that the land was sold to the tribal Ajmeera Raghavulu through sada sale agreement dated 13.1.2004 for Rs.35,000/- i.e. after launching LTR proceedings against her on 1.1.2004. The Agency Divisional Officer, Kothagudem after detailed enquiry and scrutiny of evidences available on record had ordered for ejectment of Kannemalla Shantamma on 30.11.2004 restoring the land to the tribal viz., Guguloth Veeru S/o Roopla vide panchanama dated 5.1.2005 by the Mandal Revenue Officer, Chandrugonda.

Instead of challenging the above order by the non-tribal Kannemalla Shantamma, the tribal Ajmeera Raghavulu filed appeal before the Addl. Agent to Government, Bhadrachalam wherein orders of the primary authority i.e. Agency Divisional Officer, Kothagudem were confirmed in CMA No.24/05/CHG on 28.5.2005.

Sri Guguloth Roopla S/o Mangatya R/o Jarpula Thanda, Tungaram Panchayat, Chandrugonda Mandal, Khammam District being the sole owner of the suit schedule land of acs.0.27 guntas situated in Sy.No.39/3/E at Tungaram village, Chandrugonda Mandal, had sold away the same to another tribal viz., Banoth Ganesh S/o Lakpati R/o Tekulabajar H/o Tungaram Gram Panchayat, Chandrugonda Mandal, Khammam District for a sale consideration of Rs.27,000/- through registered sale deed bearing No.P/14/05, dated 17.10.2005 before Sub-Registrar, Kothagudem after according requisite permission by the Agent to Government, Khammam (District Collector, Khammam) in the prescribed Form-L bearing D.Dis.No.F1-1468-2007, dated 31.05.2007 wherein the Sub-Registrar, Kothagudem was authorized to register the transaction document No.P.14/2005 for transfer of acs.0.27 gts in favour of Banoth Ganesh S/o Lakpathi - which has become valid in terms of AP Scheduled Areas Land Transfer Regulation I of 1959 as amended by Regulation I of 1970 and the Rules framed thereunder in the year 1969.

(Contd....10)

In the first instance, Sri Ajmeera Raghavulu, revision petitioner herein pleaded before the primary and appellate authorities that the land was sold by Kannemala Shantamma non-tribal vide sada agreement dated 13.1.2004 and in the Revision Petition before the Government he fabricated that the said Guguloth Roopla had sold away the land to him on 24.11.2006 for an amount of Rs.8,000/- which is false and invented for the purpose of the case before the Government as the said Guguloth Roopla had already sold away the land to Banoth Ganesh through registered sale transaction vide document No.P.14/2005 on 17.10.2005 for which the Agent to Government, Khammam had also accorded permission in Form-L as required under APSA Land Transfer Rules, 1969. As such, the contention that the suit land of acs.0.27 guntas was sold away by Guguloth Roopla to the revision petitioner is totally false, baseless and invented for the purpose of his case before the Government. The said Guguloth Roopla and his wife Guguloth Rangamma were also expired and the only legal heir Guguloth Sharada W/o Guguloth Veeru (son of Guguloth Roopla) has refused to receive the Notice and also objected the revenue officials not to paste notice on her house at Jarpula thanda. There is also no provision in the Regulation for compromise. Therefore, the implead and compromise petitions are ordered against.

Further, in OS No.47/2007 filed by Banoth Ganesh (rep by his father Banoth Lakpathi – Petitioner/Plaintiff) against Guguloth Roopla and Ajmeera Raghavulu, the Agent to Government at Khammam had dealt the case elaborately and passed orders on 1.2.2010 – operative part is extracted below:

“(from page 7) – As such, it could be seen that the fact of possession of the suit schedule land was with the Respondent/Defendant No.1 before it was sold and delivered to the Petitioner/Plaintiff through registered document No.P/14/2005 dated 17-10-2005 is established beyond any reasonable doubt.

Even a perusal of the Registered document No.P/14/2005 dated 17-10-2005, it is evident that the Respondent/Defendant No.1 while agreeing the facts recorded in Registered Sale Deed about receiving the entire sale proceeds by him in the sale took place on 17-10-2005 in front of the witnesses who have signed on the Registered Sale Deed before the Sub-Registrar, Kothagudem and as such it could be seen that there is no ambiguity or confusion about the sale took place in between Plaintiff and the Respondent No.1 and thereby the fact that the Respondent/Defendant No.1 is having possession over the suit schedule land before its sale which he has conveyed to the petitioner/plaintiff through Registered Sale Deed No.P/14/2005 dated 17-10-2005 while agreeing the facts of the execution of document before the Sub-Registrar, Kothagudem through which he conveyed the possession of the suit schedule land on 17-10-2005 to the Plaintiff is established beyond any reasonable doubt.

While the facts of the case stands above, the Respondent/Defendant No.1 & 2 have filed CRP No.3275/2009 before the Hon’ble High Court, A.P., Hyderabad against the Petitioner/Plaintiff which stands disposed with the following observations:

"This revision is filed against the orders dated 02-07-2007 made in I.A.No.17 of 2007 in O.S.No.47 of 2007 on the file of the Agent to Government, Khammam, Khammam District.

2. Heard both sides.

3. The impugned order in the injunction petition says that protection shall be given to the petitioner therein to take possession of the property, which clearly shows that the petitioner there was not in possession of the property and the order is, prima facie, erroneous one.

4. In the circumstances, the impugned order is set aside and the matter is remanded to the trial Court. I.A.17 of 2007 in O.S.No.47 of 2007 shall be disposed of afresh after giving an opportunity to both parties."

(Contd....11)

Accordingly, the orders issued on 02-07-2009 in I.A.No.17/1/2007 in O.S.No.47/2007 have been modified and revised orders have been issued on 18-11-2009 vide I.A.No.17/2007 in O.S.No.47/2007. In this suit, the counsel for Respondents/Defendants who appeared in the Court on 30-10-2009 informed during the hearing of the case, that the Respondent/Defendant No.2 who is not having interest is also interfering. Subsequently, either the Respondent/Defendant No.1 & 2 or their counsel have not attended the Court and did not choose to file Written Statement or any representation in favour of their case, which gives an impression that they are not willing to represent their case in accordance with the instructions contained in the CRP disposed of by the Hon'ble High Court.

In the result and in view of the above fore-going details, this Court strongly believes that there is a case in favour of the Plaintiff and the averments made by the Plaintiff in his plaint appears to be true and while keeping in view the arguments advanced by the counsel of the Petitioner/Plaintiff, it is felt that the convenience of balance lies in favour of the Petitioner/Plaintiff. Accordingly, the suit is decreed in favour of Plaintiff while the Respondent/Defendant No.1 & 2 are hereby restrained permanently from interfering with the peaceful possession and enjoyment of the suit schedule land by the Petitioner/Plaintiff which stands already transferred and conveyed to the Petitioner/Plaintiff through Registered Sale Deed No.P/14/2005 dated 17-10-2005. The Tahsildar, Chandrugonda and the S.H.O. Chandrugonda are directed to see that these present orders are implemented in to without fail and submit compliance within (10) days."

16. Government, after careful examination of the matter and in the light of the above facts and evidences available on record, there is no case in favour of the revision petitioner Sri Ajmeera Raghavulu and the Revision Petitioner is dragging the case since 2007 with fabrication of incriminating material against the Respondent Banoth Ganesh S/o Lakhpati who is the legitimate owner and possessor of the land admeasuring acs. 0.27 guntas in Sy.No.39/3/E in Tungaram village of Chandrugonda Mandal now in Bhadradi Kothagudem Disrtrict. The Revision Petition filed by Sri Ajmeera Raghavulu is accordingly DISMISSED.

17. The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam Bhadradi Kothagudem District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Additional Agent to Government& Project Officer, ITDA, Bhadrachalam
Bhadradi Kothagudem District (By RPAD)

The Agency Divisional Officer, Kothagudem
Bhadradi Kothagudem District (By RPAD)

Sri Ajmeera Raghavulu S/o Bheemla,
R/o Thungaram Village, Chandrugonda Mandal,
Bhadradi Kothagudem District (By RPAD).

Smt Guguloth Sarada, L.R of Guguloth Roopla & Guguloth Veeru
R/o Thungaram Village, Chandrugonda Mandal,
Bhadradi Kothagudem District (By RPAD)

Banoth Ganesh, S/o. Lakhpati,
R/o. H.No.2-27, Tekula Banjara(V), Post Thungaram(V),
Chandrugonda(M),Bhadradi Kothagudem District (By RPAD)

Copy to:-

The Agent to Government and District Collector,
Bhadradi Kothagudem District (By RPAD)

Sri Palivela Satyaraja Babu, (Counsel for Petitioner)
H.No.1-4-280,Plot No.121, Road No.10,
New Maruthinagar East Kothapet, Hyderabad-5000 03 (By RPAD)

(Contd....12)

Sri T.V.Sridevi, (Counsel for Respondent)
Flat No.305, Shiva Priya Apartments,
Yadav Nagar, Malkajgiri, Hyd – 50047. (By RPAD)
The Tahsildar, Chandrugonda Mandal
Bhadradi Kothagudem District (By RPAD)
(With a direction to serve the copy of GO to concerned parties).
The P.S to Hon'ble Minister(STW)
The P.A to Secretary(TW)
The P.A to Special Secretary(TW).
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER.